



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 1007 of 2018

T.N.Thankasubha

.. Petitioner

Vs.

1.The Director of Collegiate Education,
9th Floor, EVK Sampth Malligai,
College Road,
Chennai - 600 006.

2.The Joint Director of Collegiate Education,
Madurai Region,
Madurai.

3.Thiagarajar College of Preceptors,
Madurai - 625 009.
Rep. by its Secretary.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first and second respondent to sanction and disburse the petitioner's arrears of salary and other monetary benefits with interest for the period from 21.01.2008 to 11.06.2009 i.e. from the actual date of my appointment in the light of benefits given to similarly placed persons and based on the recommendation of the second respondent in Na.Ka.No.11362/2/2016 dated 29.12.16 by considering the petitioner's last representation dated 11.12.17 within the period that may be stipulated by this Court.

For petitioner	: Mr. M.Jerin Mathew
For R-1 & 2	: Mr. K.Saravanan Government Advocate
For R-3	: Mr. M.E.Ilango

O R D E R

Heard the learned Counsel on either side.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

<https://hcservices.ecourts.gov.in/hcservices/>
3. The petitioner was appointed as Lab Assistant in the third respondent college on 21.01.2008. But salary granted for the



petitioner was released only from 12.06.2009. The petitioner wants sanction and disbursement of her salary arrears for the period from 21.01.2008 to 11.06.2009. Since her representations were not considered, this writ petition came to be filed.

4. When the matter was taken up for disposal, the learned Government Advocate appearing for the respondents 1 and 2 submitted that during the relevant period there was a ban on fresh appointments and that therefore the question of disbursing the salary grant for the period covered by the ban, will not arise.

5. But this submission is not well founded. As rightly pointed out by the learned Counsel appearing for the petitioner, the third respondent had sought the prior permission of the first respondent before making appointment to the post of Lab Assistant. Vide proceedings dated 15.05.2007, the first respondent had granted permission to the third respondent. Only in terms of the permission granted by the first respondent, the third respondent appointed the petitioner herein as Lab Assistant vide order dated 11.01.2008. Having granted permission to the third respondent to fill up the vacancy in the post of Lab Assistant, it is now not open to the authority to take a stand that during the relevant period there was a ban and that therefore, the salary grant would not be released.

6. As pointed out by the learned Counsel for the petitioner in the case of Vellaisamy Nadar College, for similar appointments, the first respondent had already disbursed the salary grant. The petitioner had enclosed the order dated 23.11.2017, issued by the first respondent at page 10 of the typed set of papers. The case on hand is absolutely similar. Therefore, the first and second respondents are not justified in declining to disburse the salary arrears for the period from 21.01.2008 to 11.06.2009. The first and second respondents shall disburse the salary benefits within a period of twelve weeks from today.

7. This Writ petition stands allowed accordingly. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Director of Collegiate Education,
9th Floor, EVK Sampth Malligai,
College Road,

<https://hcservices.ecourts.gov.in/hcservices/>
Chennai - 600 006.



2.The Joint Director of Collegiate Education,
Madurai Region,
Madurai.

+1cc to Special Government Pleader, SR.No. 49022
+1cc to M/S.M.Jerin Mathew, Advocate SR.No. 48554

ORDER MADE IN
W.P. (MD) .No.1007 of 2018

kmi
JM/SV MMS/SAR 4/20.03.2018/3P/5C